



City of Rockville

M E M O R A N D U M

March 9, 2004

TO: Planning Commission

FROM: Deane Mellander, Sondra Block

VIA: Doug Breisch

SUBJECT: Underground Utilities Text Amendment

Text Amendment TXT2000-00186 was originally introduced in August of 2000 for the purpose of revising Section 25-437 for the purpose of clarifying the requirements for placing electric utility equipment and lines underground, and the waiver provisions that may be granted by the Planning Commission. The initial public hearing was held on November 19, 2001. As a result of the hearing and subsequent worksession, the staff was directed by the Mayor and Council to revise the text amendment to add landscaping and buffering requirements, and tighten up the waiver provisions.

An additional public hearing was held on the revised language on May 20, 2002. After the close of the record, the Mayor and Council held worksessions on July 8 and October 14, 2002, and directed staff to further revise the language.

A consultant, CBG Communications, was brought in to provide the City with information on utility undergrounding practices in other regions of the country and provide recommendations to the staff on revising the text amendment in a way that would tighten the provisions without creating an undue burden on the providers.

The staff felt that because the current draft of the text amendment has been substantially changed from what the Planning Commission reviewed back in 2001, the Commission should have the opportunity to review the latest version and provide a recommendation to the Mayor and Council before final action is taken.

Based on the work done by the consultants and the direction provided by the Mayor and Council, the final draft of the revised ordinance is attached. The revisions take into account the differences between active and passive equipment, and how they are to be regulated. It also clarifies the conditions under which waivers may be granted, and how existing overhead lines are to be regulated.

The revised ordinance provides new definitions for active and passive equipment. Active equipment includes devices that use power from another source to operate, and generates heat that must be dissipated. Passive devices operate without additional power requirements.

With regard to new development, the proposed language continues the requirement that all extensions required for new development or redevelopment must be underground. It clarifies that where existing overhead lines must be relocated in connection with development or redevelopment, that those lines must also be placed underground.

All utilities must be placed underground or within a building in any multi-family residential development, or within any Town Center zone. In other areas of the City, the following regulations would apply: all passive equipment must be placed underground or within a building; active equipment that does not exceed a combined height, depth and width measurement of 58 inches (excluding small attached accessories) may be placed above ground. Active devices larger than this dimension must be flush mounted or placed underground. Flush mounting includes small protrusions such as vents that extend no more than 5 inches above grade.

Active devices placed above ground must be screened to 100% opacity by either building materials matching the primary building, or by vegetation. Vegetative screening must result in 100% opacity within 3 years of planting. A small, 18 inch wide gap is allowed in order to provide maintenance access to the device. Access to the equipment must be oriented, gated and/or screened so as to minimize the visual impact.

All above-ground equipment must be installed in locations that minimize visual impact, and must be clustered with other utility equipment, dumpsters, trash enclosures, and the like.

The Planning Commission may grant a waiver of the undergrounding provisions if there are unique site circumstances, safety issues, or if the equipment cannot be operated below ground. Equipment placed below ground that results in service degradation may be allowed to be relocated above ground. Other government entities are encouraged to place their utilities underground.

Routine maintenance of existing above-ground installations is allowed. This includes up-grading of existing lines, and existing poles may be replaced. All new connections from existing overhead lines to new development or additions to existing development must be placed underground, including any new transformers exclusively intended for the new development.

Attachment: Revised Ordinance